

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Hagi Jaitch

DEFENDANTS

Rajinder S. Gill

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Edelman, KRASIN & JAY, PLLC
One Old Country Road
Cable Place, NY 11514 (516) 742-9200

ATTORNEYS (IF KNOWN)

Carman, Callahan & Ingham, L
266 Main ST
Farminigdale, NY 11735 (516) 249-3445

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

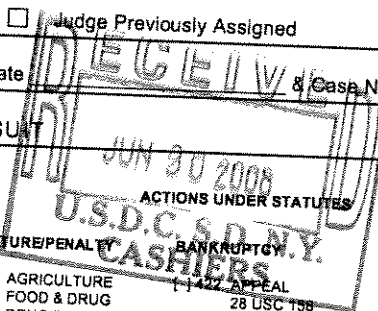
28 U.S.C. § 1332(a)(1) and 28 USC § 1441. Amount in controversy exceeds \$75,000 and Plaintiff and defendant are citizens of different states.
Personal

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT



CONTRACT

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 151 MEDICARE ACT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS
- ☐ 160 STOCKHOLDERS SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

PERSONAL INJURY

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☒ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY

PERSONAL INJURY

- ☐ 362 PERSONAL INJURY - MED MALPRACTICE
- ☐ 365 PERSONAL INJURY PRODUCT LIABILITY
- ☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING
- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

FORFEITURE/PENALTY

- ☐ 610 AGRICULTURE
- ☐ 620 FOOD & DRUG
- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY
- ☐ 630 LIQUOR LAWS
- ☐ 640 RR & TRUCK
- ☐ 650 AIRLINE REGS
- ☐ 660 OCCUPATIONAL SAFETY/HEALTH
- ☐ 690 OTHER

LABOR

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT RELATIONS
- ☐ 730 LABOR/MGMT REPORTING & DISCLOSURE ACT
- ☐ 740 RAILWAY LABOR ACT
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL RET INC SECURITY ACT

BANKRUPTCY

- ☐ 422 APPEAL
- ☐ 423 WITHDRAWAL
- ☐ 424 APPEAL
- ☐ 425 WITHDRAWAL

PROPERTY RIGHTS

- ☐ 820 COPYRIGHTS
- ☐ 830 PATENT
- ☐ 840 TRADEMARK

SOCIAL SECURITY

- ☐ 861 MIA (1395FF)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC (405(g))
- ☐ 864 DIWW (405(g))
- ☐ 865 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 TAXES
- ☐ 871 IRS-THIRD PARTY
- ☐ 872 IRS-THIRD PARTY

OTHER STATUTES

- ☐ 400 STATE REAPPORTIONMENT
- ☐ 410 ANTITRUST
- ☐ 430 BANKS & BANKING
- ☐ 450 COMMERCE/ICC RATES/ETC
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- ☐ 480 CONSUMER CREDIT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 810 SELECTIVE SERVICE
- ☐ 850 SECURITIES/COMMODITIES/EXCHANGE
- ☐ 875 CUSTOMER CHALLENGE
- ☐ 891 AGRICULTURE ACTS
- ☐ 892 ECONOMIC STABILIZATION ACT
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 894 ENERGY ALLOCATION ACT
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES
- ☐ 890 OTHER STATUTORY ACTIONS

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING
- ☐ 444 ACCOMMODATIONS
- ☐ 445 WELFARE
- ☐ 446 AMERICANS WITH DISABILITIES - EMPLOYMENT
- ☐ 447 AMERICANS WITH DISABILITIES - OTHER
- ☐ 448 OTHER CIVIL RIGHTS

PRISONER PETITIONS

- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER
- ☐ 550 CIVIL RIGHTS
- ☐ 555 PRISON CONDITION

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court
AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1358 Sheridan Avenue
Bronx, New York 10456

Bronx County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

45 McKinley Avenue
Carteret, New Jersey 07008

Middlesex County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE

6-26-08

SIGNATURE OF ATTORNEY OF RECORD

Stephanie Bolin

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO☒ YES (DATE ADMITTED Mo. Jan Yr. 1999)

Attorney Bar Code # 3289 SLB

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge ELLIS is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

JUDGMENT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CV 5862

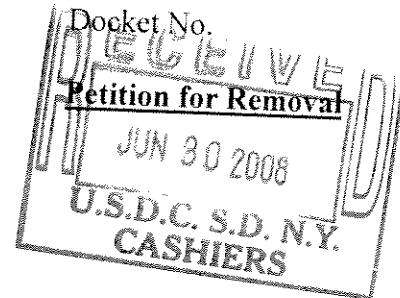
Hagi Jaiteh,

Plaintiff,

-against-

Rajinder S. Gill,

Defendant.



TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

1. On June 10, 2008, a Summons and Complaint was filed in the Supreme Court of the State of New York, County of Bronx, and thereafter allegedly served upon Radjinder S. Gill, in the above-entitled action against petitioner/defendant. The index number previously procured by plaintiff is 304838/08. No further proceedings have been had herein.
2. The above-described action is a civil action for which the Court has jurisdiction under 28 U.S.C. §1332(a)(1) and is one which may be removed to this Court by the Petitioner/Defendant herein pursuant to the provision of 28 U.S.C. §1441.
3. Plaintiff alleges in the complaint that he is a resident of the State of New York. A copy of the Summons and Complaint is annexed hereto as Exhibit "A." The Court's jurisdiction is based upon diversity of citizenship, 28 U.S.C. Section 1332 in that the Plaintiff and Defendant are citizens of different states. Rajinder S. Gill is a resident and domiciliary of the State of New Jersey, residing at 45 McKinley Avenue, Carteret, New Jersey 07008 since December 2007. Before December 2007, Mr. Gill resided at 78 Leber Avenue, Cateret, New Jersey 07008.
4. Moreover, the amount in controversy exceeds \$75,000.00.


5. Petitioner/Defendant will pay all costs and disbursements incurred by reason of the removal proceedings hereby brought should it be determined that this action is not removable or is improperly removed.

6. Venue in the Southern District of New York is proper pursuant to 28 U.S.C. Section 112 and 28 U.S.C. Section 1391(a).

WHEREFORE, Petitioner prays that the above action now pending against it in the Supreme Court of the State of New York, County of Bronx, be removed therefrom to the United States District Court for the Southern District of New York in accordance with 28 U.S.C. Sections 1441 and 1446.

Dated: Farmingdale, New York
June 26, 2008

CARMAN, CALLAHAN & INGHAM, LLP



Stephanie L. Boden (SLB-3289)

Attorneys for Defendant

Rajinder S. Gill

266 Main Street

Farmingdale, New York 11735

516-249-3450

To: Edelman, Krasin & Jaye, PLLC
Attorneys for Plaintiff
1 Old Country Road
Carle Place, New York 11514
516-742-9200

EXHIBIT A

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

HAGI JAITEH,	Plaintiff(s),
-against-	
RAJINDER S. GILL	Defendant(s).

Index No.:

Date Purchased:

Plaintiff(s) designate(s)
Bronx County as the
place of trial.

The basis of the venue is
Plaintiff's Residence.

SUMMONS

Plaintiff(s) reside(s) at
1358 Sheridan Avenue
Bronx, NY 10456

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within (20) days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: April 28, 2008
Carle Place, New York


EDELMAN, KRASINSKY & JAYE, PLLC.

By: PAUL B. EDELMAN, ESQ.
Attorney(s) for Plaintiff(s)
One Old Country Road
Carle Place, New York 11514
(516) 742-9200

Defendant(s) address:

RAJINDER S. GILL
30-20 70 Street
East Elmhurst, New York 11370

NOTICE: The nature of action is NEGLIGENCE. The relief sought is damages. Upon your failure to appear, judgment will be taken against you by default for the sum of \$5,000,000.00 with interest from November 7, 2006 and the costs of this action.

SUPREME COURT THE STATE OF NEW YORK
COUNTY OF BRONX

HAGI JAITEH,

Index No.:

Plaintiff(s),

**VERIFIED
COMPLAINT**

-against-

RAJINDER S. GILL,

Defendant(s).

Plaintiff, by his attorneys, EDELMAN KRASIN & JAYE, ESQS., complaining of
the defendant(s), alleges:

**AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANT RAJINDER S. GILL
ON BEHALF OF PLAINTIFF**

1. At all times herein after mentioned, Plaintiff **HAGI JAITEH**, was and still is a resident of the County of Bronx, State of New York.
2. Upon information and belief, at all times hereinafter mentioned, defendant, **RAJINDER S. GILL**, was the operator of a 2001 Lincoln Motor Vehicle bearing New York State license plate number T464240C.
3. Upon information and belief, at all times hereinafter mentioned, defendant, **RAJINDER S. GILL**, was the owner of a 2001 Lincoln Motor Vehicle bearing New York State license plate number T464240C.
4. That at all times hereinafter mentioned, West Street at the intersection of Vessa Street, County of New York, State of New York, was and still is a public roadway in use by the residents of the County of New York and others.
5. On or about the 7th day of November, 2006, at approximately 10:40 PM., while

plaintiff, **HAGI JAITEH**, was crossing West Street at the intersection of Vessa Street when the motor vehicle then and there being operated by defendant **RAJINDER S. GILL** came into violent contact with the plaintiff **HAGI JAITEH**, thereby causing the plaintiff to sustain serious and permanent personal injuries.

D 6. That the said accident and the injuries to Plaintiff, therefrom, were caused solely by reason of the negligence of the defendant, herein, and without any negligence on the part of the plaintiff contributing thereto.

D 7. That the defendant, **RAJINDER S. GILL**, was careless, reckless and negligent, in the ownership, operation, maintenance, management and control of the said vehicle in: operating said vehicle at dangerous and careless rate speed and failed to bring the same to a stop in order to avoid the happening of the accident; in failing and omitting to have and to keep said motor vehicle under a proper state of repair; in losing control of said motor vehicle; in negligently and carelessly, causing, allowing and permitting said motor vehicle to be operated over and along a public roadway at an excessive rate of speed and/or at a greater rate of speed than due care and caution would permit under the circumstances and conditions then and there existing; in failing to observe the road; in negligently, recklessly and carelessly failing and omitting to provide and/or make prompt and timely use of braking and steering mechanisms; in failing to keep all braking devices and steering mechanisms in their proper state of repair; in failing to keep and maintain a proper lookout and to be reasonably alert; in suffering, causing and permitting the accident referred to herein to happen although due care and caution of the part of the defendant would have avoided the occurrence; in negligently failing to operate defendant's motor vehicle in a reasonably careful and prudent manner so as to avoid the accident; in negligently failing to bring the motor vehicle to a safe

stop in a careful and prudent manner; in negligently failing to observe the roadway; in negligently failing to utilize all safety mirror's on defendant's motor vehicle in order to avoid the accident; in negligently failing to slow down and/or completely stop due to traffic conditions then and there existing; in failing to pay attention to the roadway and the vehicles thereat; in disregarding the rules of safety; and in failing to take cognizance of other vehicles then and there existing; in failing to foresee the accident.

D
8. That Plaintiff, **HAGI JAITEH**, has sustained serious injuries as defined in the Insurance Law, Section 5102 (d) and economic loss greater than the "basic economic loss" as defined in said statute.

D
9. That Plaintiff, **HAGI JAITEH**, is a "covered person" as defined by Section 5102 (j), of the Insurance Law of the State of New York.

10. The limitations set forth in Article 16 of the CPLR do not apply to this action in that this action falls within one or more of the expectations set forth in CPLR Sections 1601 and 1602.

D
11. By reason of the foregoing, plaintiff, **HAGI JAITEH**, sustained severe and permanent personal injuries suffered great pain and physical and mental anguish, became sick, sore, lame, and disabled, suffered financial loss, suffered a loss of enjoyment of life, and was caused to expend various sums of money in an effort to cure herself.

D
12. That by reason of the foregoing plaintiff, **HAGI JAITEH**, was damaged in a sum that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter.

W H E R E F O R E, Plaintiff, **HAGI JAITEH** demands judgment against defendant, **RAJINDER S. GILL**, jointly and severally, on each of these causes of action in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter and for the costs and disbursements of this action.

Dated: Carle Place, New York
April 28, 2008

Yours, etc.,

EDELMAN, KRASIN & JAYE, PLLC
Attorney for Plaintiff

BY: 

PAUL B. EDELMAN
Office & P.O. Address
One Old Country Road
Carle Place, New York 11514
(516) 742-9200
EKJ: 2110 (jps)

VERIFICATION

I, **PAUL B. EDELMAN, ESQ.**, the undersigned, am an attorney admitted to practice in the Courts of New York State, and say that:

I am a partner of EDELMAN KRASIN & JAYE, PLLC, attorneys of record for plaintiff, **HAGI JAITEH**, has read the annexed plaintiff's **VERIFIED COMPLAINT**, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Books, papers, records in possession.

I affirm that the following statements are true under penalties of perjury.



PAUL B. EDELMAN, ESQ

Dated: Carle Place, New York
April 28, 2008

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

HAGI JAITEH,

Plaintiff,

-against-

RAJINDER S. GILL,

Defendant.

ORIGINAL

SUMMONS AND VERIFIED COMPLAINT

EDELMAN, KRASIN & JAYE, ESQS.

Attorneys for

Plaintiff

Office and Post Office Address, Telephone

Suite 210

One Old Country Road

CARLE PLACE, NEW YORK 11514

(516) 742-9200

To

Signature (Rule 130-1.1-a)

Attorney(s) for

Print name beneath

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

M

Dated,

Yours, etc.

EDELMAN, KRASIN & JAYE, ESQS.
Attorneys for

Office and Post Office Address, Telephone

Suite 210

One Old Country Road

CARLE PLACE, NEW YORK 11514

(516) 742-9200

To

Attorney(s) for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Hagi Jaiteh,

Plaintiff,

Docket No.

-against-

Rule 7.1 Statement

Rajinder S. Gill,

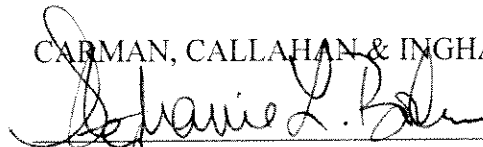
Defendants
-----X

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Rajinder S. Gill (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

None.

Dated: Farmingdale, New York
June 26, 2008

CARMAN, CALLAHAN & INGHAM, LLP



Stephanie L. Boden (SLB-3289)

Attorneys for Defendant

Rajinder S. Gill

266 Main Street

Farmingdale, New York 11735

516-249-3450

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss:

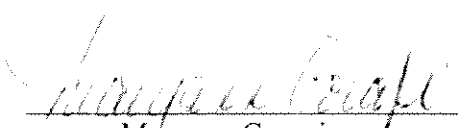
COUNTY OF NASSAU)

Maryann Corapi, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the State of New York.

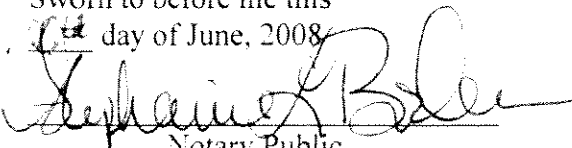
On June ^{26th}, 2008, I served a true copy of the annexed Civil Cover Sheet, Rule 7.1 Statement and Notice of Petition for Removal by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known addresses of the addressees as indicated below:

Edelman, Krasin & Jaye, PLLC
Attorneys for Plaintiff
1 Old Country Road
Carle Place, New York 11514
516-742-9200



Maryann Corapi

Sworn to before me this
~~11~~ day of June, 2008



Notary Public